

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Rejection(s) under 35 U.S.C. § 103(a)

Claims 1 and 6-10

Claims 1 and 6-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Milgate, Jr. et al. (US Patent 6,852,441) in view of Bonnaud et al. (US Patent 5,037,711). However, Milgate and Bonnaud do not teach or suggest all of the claim limitations in the claims as previously presented. Therefore, the 103 rejection is untenable. Claim 1 explicitly recites the limitation of “a non-conductive polymer composite band integrated with the polymer component and encircling a perimeter edge of the component, wherein the polymer composite band comprises polyamide reinforcing fibers mixed with a polymer binder.” See Claim 1. As discussed in the specification of the present application, it is highly preferred that the band be integrated with the polymer component, to avoid increasing the part count and to avoid the difficulties of positioning the band around a separate component. Para. [0024].

A prima facie case of obviousness requires, *inter alia*, that the prior art reference (or references when combined) teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488. See MPEP § 2142. The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness. See MPEP § 2142. Obviousness analysis “should be made explicit.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41 (2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reason with some rational underpinning to support the legal conclusion of obviousness.” *Id.*

Here, the examiner has failed to meet that burden by not explicitly showing how Milgate and Bonnaud teach or suggest all the claim limitations. For example, claim 1 presently recites “[a]n apparatus comprising a generally planar polymer component for use in a high pressure

electrochemical cell, and a non-conductive polymer composite band integrated with the polymer component and encircling a perimeter edge of the component, wherein the polymer composite band comprises polyamide reinforcing fibers mixed with a polymer binder.” See claim 1. The examiner has not met his burden of establishing that all of these claim limitations are taught by the references. For example, the examiner does not even mention, or cite to any reference as teaching, the limitation of the non-conductive polymer composite band being *integrated with* the polymer component. Furthermore, Applicant asserts that the examiner cannot meet the burden because, in fact, these references do not teach all of the claim limitations. Reconsideration and withdrawal of the rejection is requested.

Furthermore, Claim 8 has been amended in this reply to further recite that the apparatus further comprises “a plurality of radially aligned and stacked, generally planar polymer components, and a plurality of polymer composite bands, each polymer composite band encircling the perimeter edge of one of the plurality of polymer components.” See Claim 8. By contrast, Bonnaud shows a single band around a group of components where the components are accumulator cells, and not polymer components. The band passes around the accumulator cells as a group, but the band does not “encircle the perimeter edge of one” component, as in claim 8. Therefore, it would not be apparent to combine these two references, and the examiner has not articulated a reason with some rational underpinning to support the legal conclusion of obviousness in combining Milgate and Bonnaud in satisfaction of all the claim limitations of claim 8.

Other dependent claims are allowable for at least the reason that they depend from an allowable base claim, in light of the arguments presented above. In view of the above, withdrawal of this rejection is respectfully requested.

Claims 18-22

Claims 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Milgate, Jr. et al. in view of Bonnaud et al. as applied to claim 1 above, and in further view of Cousin et al. (US 4,707,977), Blunk et al. (US 2003/0096151) and applicant’s alleged admission of prior art. However, claims 19-20 are allowable for at least the reason that they depend from an

allowable claim 1, for reasons discussed above. Claims 21 and 22 have been cancelled in this reply, rendering the rejection moot with regard to claims 21 and 22. Therefore, withdrawal of this rejection is respectfully requested.

Applicant believes this Reply is fully responsive to all outstanding issues. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/LYNN-0169 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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